IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 666 OF 2006

Shri Gopal Mahadeo Godkar ...Applicant.

V/s

The State of Maharashtra
(At the instance of Vengurla
Police Station) ...Respondent.

Mr. Harshad Bhadbhade for the applicant.

Mr. Y.S. Shinde, APP for the State.

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CORAM: V.M. KANADE, J.

DATE: 16th February, 2006

P.C.

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the State.

2. The applicant seeks anticipatory bail as he has an apprehension that he is likely to be arrested for an offence punishable under section 379 of the Indian Penal Code which is registered Vide C.R. No.32 of 2005. The applicant and the complainant are neighbours. The complainant had installed water pump at his Mango Farm. On 15/12/2005, when he visited the Mango Farm, he noticed that the water pump was stolen and, therefore, lodged a complaint with the police against unknown persons and stated that he had

suspicion that the present applicant and two others had stolen the pump.

3. The learned Counsel appearing on behalf of the applicant submitted that there was a previous enmity between the applicant and the complainant and the name of the applicant has been mentioned only on the basis of suspicion and to further implicate him on account of the previous enmity. The pump in question is an old pump and, even according to the complainant, the value of the said pump is about Rs 8000/-.

4. Considering these facts and circumstances, in my view, the applicant has made out a case for anticipatory bail. There appears to be prior enmity between the applicant and the complainant. There is no evidence to suggest that the applicant had committed the said theft. The applicant himself is a well to do person and there is no reason why he would steal the water pump which was installed by the complainant long ago on his farm.

5. The applicant, therefore, in the event of his arrest in connection with the offence registered under section 379 of the I.P.C. vide C.R. No. 32 of 205 at Vengurla Police Station be released on bail in the

sum of Rs 5000/- with one or two sureties in the like amount.

6. Application is accordingly disposed of.

V.M. KANADE, J.